

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ILLINOIS
NORTHERN DIVISION**

)	
ADRIANA M. CASTRO, M.D., P.A. and)	
SUGARTOWN PEDIATRICS, LLC,)	
on behalf of themselves and all others)	Civ. Action No. 13-cv-2086
similarly situated,)	
)	
)	Honorable John J. Tharp, Jr.
Plaintiffs)	Magistrate Judge Susan E. Cox
)	
v.)	ECF CASE
)	
SANOFI PASTEUR INC.,)	
)	
Defendant.)	
)	

MOTION TO ENFORCE SUBPOENA

Sanofi respectfully moves this Court, pursuant to Fed. R. Civ. P. 26(c)(2), 45(c)(2)(i), and 37(a)(1), for an order enforcing a *subpoena duces tecum* issued to Navigant Economics on February 26, 2013. As the Court may recall, in an April 9, 2013 Order, the Court denied a motion to quash made by the plaintiffs in the above-captioned case, and in an April 19, 2013 Order, denied plaintiffs' motion to reconsider or clarify. Notwithstanding these Orders, Navigant (plaintiffs' consultant) refuses to comply with the subpoena absent this Court's grant of a motion to compel, citing undisclosed contractual obligations owed counsel for plaintiffs.

For the reasons stated in Sanofi's Memorandum in Support of this motion, Sanofi's motion should be granted, and Navigant should be ordered to produce within seven days (i) all documents responsive to the subpoena in accordance with this Court's April 9, 2013 and April 19, 2013 orders; (ii) a privilege log reflecting all documents withheld because they post-date the establishment of an attorney-client relationship between Dr. Castro and B&M; and (iii) the retention agreement (and any other supporting documentation) reflecting the date on which the attorney-client relationship between Dr. Castro and B&M first arose. To the extent Navigant

does not have such documents, the Court should order Dr. Castro (who remains before the Court) to produce such documents to Navigant and/or Sanofi.¹

Dated: April 30, 2013

Respectfully submitted,

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¹ Federal Rules 26 and 45 permit the requested discovery against Navigant, in light of the Court's prior Orders in this case. *See* Fed. R. Civ. P. 26(c)(2) ("If a motion for a protective order is ... denied, the court may, on just terms, order that any party or person provide or permit discovery"); Fed.R.Civ.P. 45(c)(2)(i) ("At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production"). Rules 26 and 37 permit the requested discovery against plaintiffs, if necessary. *See* Fed.R.Civ.P. 26(c)(2); Fed. R. Civ. P. 37(a)(1) ("On notice to other parties and all affected persons, a party may move for an order compelling disclosure or discovery").

CERTIFICATE OF SERVICE

I hereby certify that on April 30, 2013, I caused to be served by electronic mail, a copy of Sanofi's Motion to Enforce Subpoena on:

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and via the Court's Electronic Filing system, on:

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